

I. STATEMENT OF PURPOSE

To establish guidelines for hot pursuit, requiring emergency operation of departmental vehicles.

II. DEFINITIONS

The following definitions apply for the purpose expressed in this policy:

A. Hot Pursuit

An active attempt by one or more police officers to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or maintaining legal speed but willfully failing to yield to the officer's signal to stop.

B. Serious Felony

A felony that involves an actual or threatened attack which the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury (e.g., aggravated assault, armed robbery, murder).

C. Roadblock

Any method, restricting, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to affect the apprehension of an actual or suspected violator in a motor vehicle.

D. Primary Pursuing Unit

The police unit that initiates a pursuit or any unit that assumes control of the pursuit.

E. Tire Deflation Devices (TDD's)

Tire Deflation Devices are devices that are placed in the path of a fleeing vehicle for the purpose of a controlled deflation of the offending vehicle's tire or tires, after running over the device. The device is designed to allow the controlled and safe escape of air from the tire(s). This device is to be deployed in an attempt to end a pursuit as soon and safely as possible.

III. POLICY

All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Officers engaged in emergency vehicle operations shall utilize both audible (yelp mode) and visual (emergency lights) emergency warning equipment when engaged in hot pursuit.

All personnel operating departmental vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance, and no task shall be expedited with such emphasis, that the principles of safety become secondary. There are no tasks in the Department of such importance that they justify the reckless disregard of the safety of innocent persons. Departmental personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

IV. PROCEDURES

A. Hot pursuit is justified only when:

1. the officer knows or has reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of other motorists;
 2. has committed or is attempting to commit a serious felony;
 3. when the necessity of immediate apprehension outweighs the level of danger created by the hot pursuit, as in the case of a serious traffic violations.
- B. Initiating/Primary Unit Responsibilities
1. The responsibility for the decision to initiate hot pursuit rests with the individual officer. The officer initiating a pursuit shall, in all cases, notify the Communications Center as soon as reasonably possible that a pursuit is underway and provide the following information:
 - a. Police unit identification;
 - b. Location, speed and direction of travel;
 - c. vehicle description and license number;
 - d. the specific reason for the pursuit, including known laws violated;
 - e. number of occupants
 - f. traffic and weather conditions.
 2. Failure to provide the above information may be cause for the field supervisor to order termination of the pursuit.
 3. The initiating or primary unit shall be in field command and bears operational responsibilities for the pursuit unless relieved by a supervisor.
 4. The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the command of the field supervisor.
 5. The primary unit may maintain pursuit as long as it is safe to do so, or until directed to terminate the pursuit by a supervisor, or the suspect is stopped.
 6. The decision to abandon pursuit may be the most intelligent course of action. Officers must continually question whether the seriousness of the crime justifies continuing the pursuit. A hot pursuit shall be terminated under any of the following circumstances:
 - a. If, in the opinion of the pursuing officer or the field supervisor there is a clear and unreasonable danger to the officer and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension.
 - b. The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
 - c. The prevailing traffic, roadway and environmental conditions indicate the futility of continued hot pursuit.
 - d. The pursued vehicle's location is no longer known.
 - e. The pursuing officer knows or is reasonably certain, that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or a non-serious felony and the safety factors involved are obviously greater than a

juvenile can cope with.

- f. The termination of a pursuit does not prohibit the following of a vehicle at a safe speed or remaining in an area to reinitiate pursuit, if the opportunity and conditions permit.

C. Assisting Unit Responsibility

- 1. Assistance will be coordinated by the Communications Center under the direction of the field supervisor. The field supervisor and primary unit will be advised of the identity and location of backup units who can assist.
- 2. The active pursuit will normally involve not more than two units:
 - a. the primary unit
 - b. one backup unit.
- 3. If more assistance is specifically requested, the amount will be determined by:
 - a. nature of the offense;
 - b. number of suspects;
 - c. whether the participating units have more than one officer;
 - d. other clear and articulated facts that would warrant the increased hazard.
- 4. Only the field supervisor may authorize more than two units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit but shall not respond or parallel the pursuit on adjacent streets unless specifically authorized to do so.
- 5. The assisting unit, upon joining the pursuit, shall immediately notify the Communications Center of his identity. If the primary unit is a one-man unit, the assisting unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
- 6. The assisting unit will maintain a safe distance behind the primary unit, but be close enough to render backup assistance if and when required.

7. Assisting units shall, at all costs, avoid intersecting the path of an oncoming high-speed vehicle.
8. If the primary unit becomes disabled, the assisting unit will become the primary unit. The next unit to join the pursuit will be designated by the field supervisor.

C. Communications Center Responsibilities

1. Receive and record all incoming information on the pursuit and the pursued vehicle.
2. Immediately notify the field supervisor when a pursuit is initiated.
3. Clear radio channel of any unnecessary traffic.
4. Perform relevant record and motor vehicle checks.
5. Control all radio communications during the pursuit.
6. Coordinate assistance under the direction of the field supervisor.
7. Continue to monitor the pursuit until it has been terminated.

D. Supervisor Responsibilities

1. Upon being notified of the pursuit, the field supervisor shall verify the following:
 - a. No more than the required or necessary units are involved in the pursuit
 - b. Proper radio frequency is being utilized;
 - c. Affected allied agencies are being notified.
2. The field supervisor will continue to direct the pursuit, and approve or order alternative tactics, such as the use of a roadblock, and maintain control until the pursuit is terminated. In the absence of adequate information from the primary or backup unit, the field supervisor may order termination of the pursuit.
3. As with any tactical field problem, it is not necessary that the field supervisor be physically present in order to begin coordination and assert control of the pursuit.

E. Emergency Vehicle Operation and Tactics

1. Offensive Tactics

In the course of pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming, or driving alongside the pursued vehicle while it is in motion shall be prohibited, unless such actions are specifically authorized by the field supervisor. Such actions may be approved only when the use of deadly force would be authorized. Reckless or hazardous driving maneuvers shall not be duplicated by any pursuing vehicle.

2. Caravanning

There shall be no caravanning by field units not directly involved in the immediate pursuit.

3. Passing

There shall be no attempt by officers to pass other field units involved in the pursuit unless the passing officer received specific permission from the field supervisor.

4. Spacing

All units in pursuit, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns.

5. Number of Police Vehicles

No more than two police vehicles will become actively involved in a pursuit, unless specifically directed otherwise by the field supervisor. Other officers should be alert to the pursuit progress and location.

6. Unmarked Police Vehicles

Officers operating unmarked vehicles (provided the vehicle is equipped with emergency lights, siren and radio communication) may engage in hot pursuit only when the fleeing vehicle presents an immediate and direct threat to life or property. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role.

7. Controlled Access Roadways

Officers shall not pursue suspects the wrong way on divided roadways unless specifically authorized by the field supervisor.

8. Roadblocks

- a. The use of a roadblock must be authorized by the field supervisor.
- b. Generally, a roadblock will be employed only as a last resort.
- c. The use of a roadblock must be directly associated with the seriousness of the crime for which the suspect is wanted.
- d. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.
- e. The roadway shall not be completely blocked unless the use of deadly force would be authorized.

9. Traffic Control Devices

Extreme caution must be used whenever officers disregard traffic signs or signals, even though statutes specifically permit such conduct. Officers shall make use of all available warning devices to alert other motorists and pedestrians.

10. Deployment of Tire Deflation Devices (TDD's)

- a. All tire deflation devices (TDD) will be stored in designated vehicles.
- b. Officers who are driving units equipped with tire deflation devices (TDD) and who have received training in the deployment of these devices may proceed to a location likely to be in the path of the pursuit.

- c. Due to increased risks to persons and property, the type of vehicle being pursued must be considered prior to the deployment of the TDD. TDD's will not be used on motorcycles or all-terrain vehicles unless the use of deadly force can be justified.
- d. TDD units shall advise the supervisor and communications when they have reached the deployment site, and give its location. The TDD unit shall utilize all emergency lighting while parked waiting to deploy TDD's.
- e. The pursuing officer shall broadcast the identity of the target vehicle to the TDD unit when the pursuit approaches the deployment site and the TDD unit shall visibly confirm the target vehicle to reduce errors in deployment.
- f. All pursuing vehicles shall maintain a safe distance and proceed cautiously upon approaching and crossing the deployment site. Actions of the fleeing vehicle will be unpredictable.
- g. No officer shall deploy or attempt to deploy a TDD without first having completed Department-approved training on its use.

F. Inter-jurisdictional Pursuits

- 1. The Communications Center, with the approval of the field supervisor, will notify outside agencies if this Department is in pursuit in their jurisdiction. The informing person will specify that the call is either a request for assistance or merely a courtesy notification with no participation desired.
- 2. Officers shall not become involved in another agency's pursuit unless specifically authorized by the field supervisor or it is clearly demonstrated that a unit from an outside agency is unable to request assistance, or the emergency nature of the situation dictates the need for assistance. In these instances, all departmental pursuit policies are in effect.

G. Overtaking/Pursuit of Violators

The responsibility for the decision to overtake rests with the individual officer. In arriving at his decision he must carefully consider all factors involved, including the seriousness of the offense, the possible consequences and most importantly, the safety of the general public. In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within a close proximity to the vehicle prior to activating the emergency lights and siren. During the course of enforcement activities, specific incidents may escalate from routine overtaking situations if the suspect attempts to evade apprehension. If this occurs, applicable pursuit policy and procedures apply.

V. ACCIDENTS DURING PURSUITS

- A. Generally, if an officer is involved in a traffic accident during the course of a pursuit, the officer will terminate his part in the pursuit.
- B. The field supervisor will make the determination, as to whether the pursuit be terminated or continued with the back up officer moving up to primary officer.
- C. The field supervisor will insure that the accident involving the primary unit is investigated.

VI. PURSUITS OUTSIDE CITY LIMITS

- A. No pursuit shall be continued outside the city limits unless authorized by the field supervisor.
- B. If an officer of this Department is in pursuit and the pursuit crosses the Texas state line, the officer will have the Communications Center notify the Texas authorities. Once the Texas authorities join the pursuit the pursuit will be handled by them. Department officers will only assist if needed, abiding by our guidelines.
- C. The Texas authorities may arrest the offender, based on probable cause supplied by the Hobbs Officer, and hold the offender for twenty-four (24) hours pending issuance of a warrant from New Mexico. Once the warrant has been issued, formal extradition proceeding can begin.
- D. Under no circumstances will a Hobbs Police Officer transport any person apprehended in Texas back across the state line without proper extradition proceedings being completed.

VII. REPORTING REQUIREMENTS

- A. The primary officer initiating the pursuit, or an officer assuming the pursuit, shall submit a report detailing the pursuit. Supplemental reports will be submitted by any officers involved in the pursuit.
- B. If, during the course of the pursuit, a collision occurs involving injury or death, or the use of deadly force is initiated, all involved officers will submit a memorandum to the Chief of Police through the chain of command.
- C. A review of any pursuit will be conducted by the Division Lieutenant as soon as possible. The review will be completed by analyzing all available information. The purpose of such review is to determine any additional or supplemental training needs or policy review. This review will be forwarded to the Deputy Chief and submitted to Support Services for entry into the tracking system.